

the commission of any felony other than those above mentioned, and any misdemeanor the punishment for which may be confinement in the penitentiary; and whenever bail is offered for any person charged with the commission of any misdemeanor other than those already set forth, such justice shall accept the same; provided he is satisfied with the security offered." Some of the counties also have special acts dealing with this matter.

As to the effect of a separate recognizance of bail in the absence of the accused, see *Schultze v. State*, 43 Md. 295.

CAP. XVI.

None shall distrain out of his Fee, nor drive the Distress out of the County.

In right thereof, that some Persons take, and cause to be taken, the Beasts of other, chasing them out of the Shire where the Beasts were taken; it is provided also, that none from henceforth do so; (2) and if any do, he shall make a grievous Fine, as is contained in the Statute of *Marlebridge*, made in the Time of King *Henry*. Father to the King that now is. (3) And **62** *likewise it shall be done to them which take Beasts wrongfully and distrain out of their Fee, and shall be more grievously punished, if the Manner of the Trespass do so require.

En droit de ceo que aucun gents parnount, & prendre fount les avers des auters, & les chasent hors del countie ou les avers fueront prises; purview est, que nul desormes ne le face; & si ul le face, soit grevement rente, solonque ceo que est contenue en les estatutes de *Marleb* [c. 4] faits en temps le roy H. pier le roy que ore est. Et per mesme le maner soit fait de ceux, queux parnont les avers a tort, & queux font distres en auter fee, plus grevement soient punies, si le maner de trespas le demaund.

A Distress shall not be driven out of the County. 1 H. 5, 3. Distraining out of his Fee. 2 Inst. 191. 7 H. 7, f. 1. 52 H. 3. c. 4. 1 & 2. P. & M. c. 12. Regist. 183.

The first clause of this statute is confirmatory of 52 H. 3, c. 4; the second clause of 52 H. 3, c. 25; see 2 Inst. 191. This act speaks of all manner of takings.